

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NARCUS WESLEY,

Petitioner,

vs.

DIRECTOR NEVADA DEPT. OF  
CORRECTIONS, et al.,

Respondents.

Case No. 2:13-cv-01513-JAD-CWH

**ORDER**

Before the court is the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court has reviewed the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The court will dismiss one ground for relief. The court will serve the petition upon respondents for a response to the remaining grounds.

The petition contains fourteen grounds. Grounds 1-6 appear to be copies of issues that petitioner raised on direct appeal. Grounds 7-14 appear to be copies of issues that petitioner raised in a state habeas corpus petition. Ground 3 is a claim that on direct appeal the Nevada Supreme Court should have reversed the conviction on its own motion because of counsel's concession to the jury that petitioner was guilty and because of counsel's decision to present to the jury the statements that petitioner's co-defendant made. Petitioner raises the same claims in grounds 7 and 8 as claims of ineffective assistance of counsel. Ground 3 is redundant, and the court dismisses it.

**IT IS THEREFORE ORDERED** that the clerk of the court shall file the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

**IT IS FURTHER ORDERED** that ground 3 of the petition is **DISMISSED**.

1           **IT IS FURTHER ORDERED** that the clerk shall add Catherine Cortez Masto, Attorney  
2 General for the State of Nevada, as counsel for respondents.

3           **IT IS FURTHER ORDERED** that the clerk shall electronically serve upon respondents a  
4 copy of the petition and this order. In addition, the clerk shall return to petitioner a copy of the  
5 petition.

6           **IT IS FURTHER ORDERED** that respondents shall have forty-five (45) days from the  
7 date on which the petition was served to answer or otherwise respond to the petition. If respondents  
8 file and serve an answer, then they shall comply with Rule 5 of the Rules Governing Section 2254  
9 Cases in the United States District Courts, and then petitioner shall have forty-five (45) days from  
10 the date on which the answer is served to file a reply.

11           **IT IS FURTHER ORDERED** that any exhibits filed by the parties shall be filed with a  
12 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments  
13 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits  
14 in the attachment. The hard copy of any additional state court record exhibits shall be  
15 forwarded—for this case—to the staff attorneys in Las Vegas.

16           **IT IS FURTHER ORDERED** that from this point forward, petitioner shall serve upon  
17 respondents or, if appearance has been entered by counsel, upon the attorney(s), a copy of every  
18 pleading, motion or other document submitted for consideration by the court. Petitioner shall  
19 include with the original paper submitted for filing a certificate stating the date that a true and  
20 correct copy of the document was mailed to the respondents or counsel for the respondents. The  
21 court may disregard any paper received by a district judge or magistrate judge that has not been  
22 filed with the clerk, and any paper received by a district judge, magistrate judge, or the clerk that  
23 fails to include a certificate of service.

24           Dated: May 24, 2014.

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JENNIFER A. DORSEY  
United States District Judge